

EXHIBIT D

ECKERT SEAMANS CHERIN & MELLOTT, LLC

Nicholas M. Gaunce, Esq. (N.J. Attorney ID No. #01203-2007)

Physical Address: 2000 Lenox Drive, Suite 203, Lawrenceville, NJ 08648

Mailing Address: P.O. Box 5404, Princeton, NJ 08543

Telephone: (609) 392-2100

Facsimile: (609) 392-7956

Attorneys for Plaintiff, NextGear Capital, Inc.

NEXTGEAR CAPITAL, INC.,

Plaintiff,

v.

THE LUXURY HAUS INC., and
ANTONIO L. GUTIERREZ, EDITH
GUTIERREZ and ABC Co., jointly and
severally,

Defendants.

: SUPERIOR COURT OF NEW JERSEY
: BERGEN COUNTY: LAW DIVISION
: DOCKET NO.: BER-L-7268-16
:
:
:

Civil Action

DOCUMENT SUBPOENA

THE STATE OF NEW JERSEY TO:

Records Custodian
Freedom Bank
99 West Essex Street, 2nd Floor
Maywood, NJ 07607

YOU ARE HEREBY COMMANDED to attend and give testimony before the above-named Court at the offices of Eckert Seamans Cherin & Mellott, LLC, 2000 Lennox Drive, Suite 203, Lawrenceville, New Jersey 08648, on December 31, 2018, at 10:00 o'clock a.m., in the above-entitled action and, pursuant to R. 1:9-2, that you have and bring with you and produce at the same time and place the following documents:


1. All bank records, papers, documents, electronically-stored information and tangible things related to any and all accounts from which the Treasurer's Checks attached here as Exhibit "A" were drawn spanning from January 1, 2014 through the present. The records produced should include copies of monthly statements, canceled checks, cashier's checks, treasurer's checks, withdrawal receipts, electronic fund transfers, wire transfers, ACH payments, debit memos, credits to the account and deposit slips.

2. All bank records, papers, documents, electronically-stored information and tangible things related to the account at Freedom Bank numbered xxxxx00015 as evidenced to exist by the Treasurer's Checks attached here as Exhibit "A" spanning from January 1, 2014 through the present. The records produced should include copies of monthly statements, canceled checks, cashier's checks, treasurer's checks, withdrawal receipts, electronic fund transfers, wire transfers, ACH payments, debit memos, credits to the account and deposit slips.

3. All bank records, papers, documents, electronically-stored information and tangible things related to the account at Freedom Bank numbered xxxxx00031 as evidenced to exist by the Treasurer's Checks attached here as Exhibit "A" spanning from January 1, 2014 through the present. The records produced should include copies of monthly statements, canceled checks, cashier's checks, treasurer's checks, withdrawal receipts, electronic fund transfers, wire transfers, ACH payments, debit memos, credits to the account and deposit slips.

Pursuant to R. 4:14-7(c), subpoenaed evidence shall not be produced or released until the date specified for return of the subpoena. If you are notified that a motion to quash the subpoena has been filed, you shall not produce or release the subpoenaed evidence until ordered to do so by the Court or the release is consented to by all parties to this action. In lieu of a personal appearance, certified records will be accepted.

Failure to comply with this subpoena will subject you to such penalties as are provided by law.


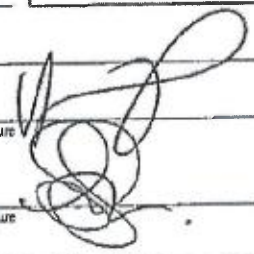


Nicholas M. Gaunce, Esq.
**Eckert Seamans Cherin
& Mellott, LLC**
Attorneys for Plaintiff, NextGear Capital, Inc.

/s/ Michelle M. Smith, Esq.
Michelle M. Smith, Clerk
Superior Court of New Jersey

Dated: November 30, 2018

EXHIBIT A

| | | | |
|---|----------------------------|---|---------------------------|
|  FREEDOM BANK <small>99 West Essex St., 2nd Floor, Maywood, NJ, 07607 www.freedombanknj.com</small> | Treasurer's Check | 1847 | 65-1449 / 0212 |
| Pay to the Order of: <u>Xam Global</u> | | \$258,000.00 | September 30, 2016 |
| Two Hundred Fifty-Eight Thousand and 00/100***** | |  | |
| Memo _____ | Authorized Signature _____ | | |
| ⑈001847⑈ [REDACTED] 493⑈ [REDACTED] 00015⑈ | | | |

| | | |
|----------------------------|---|----------------------|
| 20160930 [REDACTED] | DO NOT WRITE IN THESE SPACES OR THE CHECK WILL BE VOID | ENDORSE HERE |
| | | ACCT# [REDACTED] 932 |

[REDACTED]

[REDACTED]

ECKERT SEAMANS CHERIN & MELLOTT, LLC

Nicholas M. Gaunce, Esq. (N.J. Attorney ID No. #012032007)

Physical Address: 2000 Lenox Drive, Suite 203, Lawrenceville, NJ 08648

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v.

THE LUXURY HAUS, INC., and
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and EDITH GUTIERREZ, jointly and
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Defendants.

: SUPERIOR COURT OF NEW JERSEY
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Civil Action

: **SUBPOENA DUCES TECUM**
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**STATE OF NEW JERSEY TO: Records Custodian
Alliant Credit Union
11545 West Touhy Ave.
Chicago, IL 60666**

YOU ARE HEREBY COMMANDED TO APPEAR AT: Eckert Seamans Cherin & Mellott, LLC, 2000 Lenox Drive, Suite 203, Lawrenceville, New Jersey 08648, on December 14, 2018, at 10:00 o'clock a.m., to testify on oral deposition before a person authorized by the laws of the State of New Jersey to administer oaths, in the above-entitled action.

YOU ARE HEREBY FURTHER COMMANDED to bring with you and produce at the time and place specified above the following

1) All bank records, papers, documents, statements, checks, electronically-stored information and tangible things for any and all accounts maintained by Paul Gutierrez and/or Karina Gutierrez (**Address:** 361 Maple St., Moonachie, NJ 07074) from January 1, 2014 through the present at Alliant Credit Union and/or any of its affiliates, subsidiaries, parent companies or related entities. The records produced should include copies of monthly statements, canceled checks, withdrawal receipts, electronic fund transfers, wire transfers, ACH payments, debit memos, credits to the account and deposit slips.

2. All bank records, papers, documents, statements, checks, electronically-stored information and tangible things pertaining to an account maintained or that was maintained by Paul Gutierrez and/or Karina G. Gutierrez at Alliant Credit Union and/or any of its affiliates, subsidiaries, parent companies or related entities ending in 30211 as evidenced to exist on the checks attached as Exhibit "A." The records produced should include copies of monthly statements, canceled checks, withdrawal receipts, electronic fund transfers, wire transfers, ACH payments, debit memos, credits to the account and deposit slips.

Please note that certified records will be accepted in lieu of a personal appearance.

Pursuant to R. 4:14-7(c), subpoenaed evidence shall not be produced or released until the date specified for return of the subpoena. If you are notified that a motion to quash the subpoena has been filed, you shall not produce or release the subpoenaed evidence until ordered to do so by the Court or the release is consented to by all parties to this action. Failure to comply with this subpoena will subject you to such penalties as are provided by law.



Nicholas M. Gaunce, Esq.
Eckert Seamans Cherin & Mellott, LLC
Attorneys for Plaintiff, NextGear Capital, Inc.

/s/ Michelle M. Smith, Esq.

Michelle M. Smith, Esq.
Clerk of Superior Court of New Jersey

Dated: November 20, 2018

EXHIBIT A

PAUL GUTIERREZ
PH. 201-417-8950
381 MAPLE ST.
MOONACHIE, NJ 07074

1072

7-81522/718
808

DATE 9/1/2016

PAY TO THE
ORDER OF

XAM Global
FIVE HUNDRED

\$ 500.00

DOLLARS



ALLIANT

credit union

Chicago, Illinois

MEMO

528

302111072

FOR MOBILE DEPOSIT ONLY

PNC BANK

153

PAUL GUTIERREZ
PH 201-417-8000
361 MAPLE ST.
MOONACHKE, NJ 07074

1133

7 819277118
900

DATE 10/24/2016

PAY TO THE
ORDER OF

Vain Global

\$ 1000.00

one Thousand

DOLLARS



ALLIANT.

credit union

Chicago, Illinois

MEMO

5280

3021111133

FOR MOBILE DEPOSIT ONLY
PNC BANK

53<



ECKERT SEAMANS CHERIN & MELLOTT, LLC

Nicholas M. Gaunce, Esq. (N.J. Attorney ID No. #012032007)

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ANTONIO L. GUTIERREZ, and ABC CO.,
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: SUPERIOR COURT OF NEW JERSEY
: BERGEN COUNTY: LAW DIVISION
: DOCKET NO.: BER-L-7268-16
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Civil Action

: **SUBPOENA DUCES TECUM**
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**STATE OF NEW JERSEY TO: Records Custodian
Capital One Bank
419 Market St.
Saddle Brook, NJ 07663**

YOU ARE HEREBY COMMANDED TO APPEAR AT: Eckert Seamans Cherin & Mellott, LLC, 2000 Lenox Drive, Suite 203, Lawrenceville, New Jersey 08648, on December 14, 2018, at 10:00 o'clock a.m., to testify on oral deposition before a person authorized by the laws of the State of New Jersey to administer oaths, in the above-entitled action.

YOU ARE HEREBY FURTHER COMMANDED to bring with you and produce at the time and place specified above the following

1) All bank records, papers, documents, statements, checks, electronically-stored information and tangible things for any and all accounts maintained by Paul Gutierrez and/or Karina Gutierrez (**Address:** 361 Maple St., Moonachie, NJ 07074) from January 1, 2014 through the present at Capital One Bank and/or any of its affiliates, subsidiaries, parent companies or related entities. The records produced should include copies of monthly statements, canceled checks, withdrawal receipts, electronic fund transfers, wire transfers, ACH payments, debit memos, credits to the account and deposit slips.

2. All bank records, papers, documents, statements, checks, electronically-stored information and tangible things pertaining to an account maintained or that was maintained by Paul Gutierrez and/or Karina Gutierrez at Capital One Bank and/or any of its affiliates, subsidiaries, parent companies or related entities ending in 13791 as evidenced to exist on the checks attached as Exhibit "A." The records produced should include copies of monthly statements, canceled checks, withdrawal receipts, electronic fund transfers, wire transfers, ACH payments, debit memos, credits to the account and deposit slips.

Please note that certified records will be accepted in lieu of a personal appearance.

Pursuant to R. 4:14-7(c), subpoenaed evidence shall not be produced or released until the date specified for return of the subpoena. If you are notified that a motion to quash the subpoena has been filed, you shall not produce or release the subpoenaed evidence until ordered to do so by the Court or the release is consented to by all parties to this action. Failure to comply with this subpoena will subject you to such penalties as are provided by law.



Nicholas M. Gaunce, Esq.
Eckert Seamans Cherin & Mellott, LLC
Attorneys for Plaintiff, NextGear Capital, Inc.

/s/ Michelle M. Smith, Esq.
Michelle M. Smith, Esq.
Clerk of Superior Court of New Jersey

Dated: November 20, 2018

EXHIBIT A

0097
65-760,0012

DATE 6/15/2016

PAY TO THE ORDER OF Karina Gutierrez \$ 250.00
Two hundred fifty DOLLARS

PNC BANK
PNC Bank, N.A. 060
New Jersey

FOR _____

⑈000097⑈ ⑈7607⑈ ⑈73932⑈

>021407912<
CAPITAL ONE, NA
7748 2016
RICHMOND, VA 00523
RDC Deposit 13791

